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In re Reissue Application of
Yousheng Shen, *et al.*
Application No. 10/621,637
Filed: July 17, 2003
Atty. Docket No.: 011361-00065

MAILED
OCT 11 2007
CENTRAL REEXAMINATION UNIT

This is a show cause order based on the apparent abandonment of the present application number 10/621,637, filed for reissue of U.S. Patent No. 5,650,054.

BACKGROUND

1. U.S. patent No. 5,650,054 (hereinafter, the '054 patent) issued on July 22, 1997, with 65 claims.
2. The patent owner filed an application for reissue, assigned application No. 10/621,637 (hereinafter, the '637 application), on July 17, 2003.
3. The patent owner also filed on July 17, 2003, a Reissue Application Declaration by the Assignee in the '637 application.
4. The Reissue Application Declaration by the Assignee does not identify (i) the residence (e.g., city and either state or foreign country) of each inventor, (ii) the citizenship of each inventor, and (iii) whether the inventor is a sole or joint inventor, as is required under 37 CFR 1.63.
5. The Office mailed a Notice of Informal Application on October 8, 2003. The Notice states that the '637 application is considered to be informal, because the Declaration filed on July 17, 2003, does not comply with 37 CFR 1.63, for the reasons stated above (in item 4). The Notice requires the submission of a new oath or declaration identifying (i) the residence (e.g., city and either state or foreign country) of each inventor, (ii) the citizenship of each inventor, and (iii) whether the inventor is a sole or joint inventor. The image file wrapper (IFW) on the Office's public Patent Application Information Retrieval (public PAIR) includes an electronic copy of the Notice under the document description "Pre-Exam Formalities Notice."
6. Based on a review of Office records, it appears that a response to the Notice of Informal Application has not been filed.

ORDER TO SHOW CAUSE

As set forth in the Background above, application for reissue No. 10/621,637 appears to be abandoned for failure to respond to the Notice of Informal Application mailed on October 8, 2003. The Office intends to terminate the present reissue proceeding, by issuing a notice that the present application for reissue of the '054 patent is an abandoned application as a matter of "housekeeping."

Applicant is hereby being provided with a period of **30 DAYS** from the mailing of this ORDER to show cause why the Office should not terminate the present reissue proceeding.

If Applicant proposes to show cause why the present reissue proceeding should not be terminated, Applicant's showing must include an explanation as to the apparent failure to reply to the Notice of Informal Application mailed on October 8, 2003.

If Applicant makes a showing, the showing will be evaluated as to whether it provides sufficient basis as to why the present reissue proceeding should not be terminated. A failure to respond to this show cause order within the 30-day period that has been set will result in the proceeding being terminated by default. The application for reissue of the '054 patent will be returned to Technology Center 1700 for processing as an abandoned application.

Alternatively, Applicant has the option to seek revival of the '637 reissue application, pursuant to 37 CFR 1.137, based upon either unintentional or unavoidable delay.

A grantable petition for entry of belated papers under 37 CFR 1.137(b) must be accompanied by (1) the response required to the outstanding Office action or notice, unless previously filed; (2) the petition fee (set forth in 37 CFR 1.17(m)) required by law; and (3) a proper statement that the entire delay in filing the required response from the due date for the response until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional.

A grantable petition for entry of belated papers under 37 CFR 1.137(a) must be accompanied by (1) the response required to the outstanding Office action or notice, unless previously filed; (2) the petition fee (set forth in 37 CFR 1.17(l)) required by law; and (3) a showing to the satisfaction of the Director that the entire delay in filing the required response from the due date for the response until the filing of a grantable petition pursuant to 37 CFR 1.137(a) was unavoidable.

CONCLUSION

1. Applicant is being provided with a period of **30 DAYS** from the mailing of this ORDER to show cause why the Office should not terminate the present reissue proceeding.
2. Failure by Applicant to respond to this show cause order within the 30-day period that has been set will result in the termination of the present proceeding by default, by mailing of a Notice of Abandonment in the application for reissue of the '054 patent.
3. Jurisdiction over reissue application 10/621,637 is being retained by the Office of Patent Legal Administration, pending a response by Applicant, or the expiration of time for a response.

4. Telephone inquiries related to this decision should be directed to Raul Tamayo, Legal Advisor, at (571) 272-7728.



Kenneth M. Schor
Senior Legal Advisor
Office of Patent Legal Administration

10-11-2007

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